(1) (3)

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)**

**WRIT PETITION NO... 4545 ..... 2004**

**PETITIONER**

4529/04
D. No.
Presented by Shri R.S. Patel
Date 28/7/04

Ramraksha Mishra S/o late Shri Bhuneshwar Prasad Mishra aged about 64 years, Retired Head Master (Teacher) R/o Bramhanpara, Lormi Tahsil-Lormi, Dist.-Bilaspur (C.G.)

**VERSUS**

**RESPONDENTS**

1. State of Chhattisgarh, through Secretary education Department D.K.S.Bhawan Raipur (C.G.)
2. The Accountant General of Chhattisgarh (Yellow Buildiing Fafadih) Raipur Dist. Raipur (C.G.)
3. The District Education officer, Bilaspur, Dist. Bilaspur (C.G.)

**WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:**

The petitioner above-named most respectfully submit as under:-

(53)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 4545/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 10.11.2005<br><br>Petitioner by Shri R. S. Patel, Advocate.<br><br>Respondents No. 1 and 3 by Shri Pankaj Shrivstava, Panel lawyer.<br><br>Respondent No.2 by Shri S. K. Beriwal, Standing counsel for Union of India.<br><br>The petitioner was retired as Assistant Teacher from Primary School, Jhaffal, Block- Lormi, District- Bilaspur on 31.1.2002 on attaining the age of superannuation. According to the petitioner the total dues of retiral benefits is Rs. 1,43,022/-.<br><br>The respondent No.2 has filed the return on 28.3.2005 stating as under:-<br><br>*"The GPF final payment case of Shri Ramraksha Mishra was received in the O/o the Accountant General, Madhya Pradesh, Gwalior on 15.6.2002. The GPF final payment case of the petitioner was finalized for available balance amounting to Rs. 90742/- vide authority No. Fd-2/522-523-524 dated 25.6.2003 allowing interest upto 06/03 showing the missing credits of 3/90,3/91,7/91 and 1/2000 in authority. The same amount has been received by the petitioner as stated in Para* | |

SH.

(54)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 4545/04

**मामला क्रमांक ..... सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

*5.2 of the instant petition. Further an authority for residual balance amounting to Rs. 22406/- allowing interest upto 03/05 has been issued vide No. Fd-2/4907-3908-3909 dated 21.3.2005 (Annexure R-1)*

*Thus a total amount of Rs. 1,13,148/- has been authorized in full and final settlement of the case and no amount is left for authorization to the petitioner from Respondent no. 2 i.e. Accountant General, Chhattisgarh, Raipur.*

*The petitioner's claim of Rs. 1,43,022/- was based on GPF account statement issued by the respondent No. 2. It is submitted that the balance shown in the A/c slip is provisional and subject to adjustment of missing Credits/Debits or any arithmetical/clerical mistake during the final calculation."*

After adjustment the Respondent No.2 has released the aforesaid amount of Rs. 22,406/- with interest up to March, 2005 by order dated 21.3.2005. Learned counsel for the respondent No.2 submits that the entire retiral dues of the petitioner has been paid. Learned counsel for the petitioner is not satisfied with the calculation made by the Respondent No.2.

(55)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक 4545/04 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश —3— | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is directed to submit his calculation before the Respondent No.2 within a period of four weeks from today, and the Respondent No.2 will look into the calculations of the petitioner and pass final order after consideration, within a period of six weeks from the date of receipt of the statement from the petitioner, and to make payments, if any, immediately.

In view of the foregoing, this petition stands disposed of finally.

Certified copy, as per Rules.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

SP/FS